

PATENT  
Docket No. 393032022200

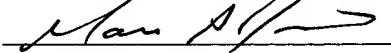


CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EV020309635US

Date of Deposit: February 24, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

  
Marco A. Jimenez

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

7/Electra  
Jheresa  
3-4-03

In the application of:

Yoshiki NISHITANI et al.

Serial No.: 09/758,632

Filing Date: January 10, 2001

For: APPARATUS AND METHOD FOR  
DETECTING PERFORMER'S MOTION  
TO INTERACTIVELY CONTROL  
PERFORMANCE OF MUSIC OR THE  
LIKE

Examiner: Marlon T. Fletcher

Group Art Unit: 2837

RECEIVED  
MAR - 3 2003  
TECHNOLOGY CENTER 2800

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action dated January 29, 2003, for which a response is due on February 28, 2003. The Applicants respectfully elect Group I (Claims 1-21, 33-71, 166, 168, 169, 177, 179 and 180). This election is made without traverse. The Applicants expressly reserve their right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

In view of the foregoing, the Applicants respectfully request an examination on the merits of the elected claims.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 393032022200. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

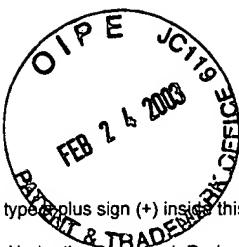
Respectfully submitted,

By:

  
Mehran Arjomand  
Registration No. 48,231

Dated: February 24, 2003

Morrison & Foerster LLP  
555 West Fifth Street  
Suite 3500  
Los Angeles, California 90013-1024  
Telephone: (213) 892-5630  
Facsimile: (213) 892-5454



02-26-03

2837

Please type or plus sign (+) inside this box → 

PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

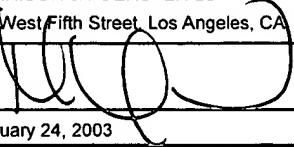
Application Number	09/758,632
Filing Date	January 10, 2001
First Named Inventor	Yoshiki NISHITANI et al.
Group Art Unit	2837
Examiner Name	Marlon T. Fletcher
Total Number Of Pages In This Submission	393032022200

## ENCLOSURES (check all that apply)

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Fee Transmittal Form                                       | <input type="checkbox"/> Assignment Papers<br>(for an Application)                      | <input type="checkbox"/> After Allowance Communication to Group                            |
| <input type="checkbox"/> Fee Attached   | <input type="checkbox"/> Formal Drawing(s)  | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences        |
| <input checked="" type="checkbox"/> Amendment / Response to Restriction Requirement | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final  | <input type="checkbox"/> Petition   | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Affidavits/declarations                                    | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> Extension of Time Request                                  | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):            |
| <input type="checkbox"/> Express Abandonment Request                                | <input type="checkbox"/> Terminal Disclaimer  | Postcard   |
| <input type="checkbox"/> Information Disclosure Statement                           | <input type="checkbox"/> Request for Refund   |  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                     | <input type="checkbox"/> CD, Number of CD(s) _____                                      |  |
| <input type="checkbox"/> Response to Missing Parts/<br>Incomplete Application       | <input type="checkbox"/> Remarks  |  |
| <input type="checkbox"/> Response to Missing Parts<br>under 37 CFR 1.52 or 1.53     |   |  |

RECEIVED  
MAR - 3 2003  
TECHNOLOGY CENTER 2800

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Mehran Arjomand MORRISON & FOERSTER LLP 555 West Fifth Street, Los Angeles, CA 90013-1024
Signature	
Date	February 24, 2003

## CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EV020309635US

Date of Deposit: February 24, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.



Marco A. Jimenez

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

la-635323